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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,100	08/07/2003	Christopher Schwarz	L3440/277452	9133

23370 7590 05/23/2005

JOHN S. PRATT, ESQ  
KILPATRICK STOCKTON, LLP  
1100 PEACHTREE STREET  
ATLANTA, GA 30309

EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT PAPER NUMBER

3724

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/636,100

Applicant(s)

SCHWARZ ET AL.

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-11 and 13-15 is/are rejected.
- 7) ☒ Claim(s) 6 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## Detailed Action

The amendment filed on 4-4-2005 has been entered.

### Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 7, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodmer (U.S. Patent No. 1,098,706) in view of Fletcher (U.S. Patent No. 4,027,388).

Bodmer discloses a scraper for woodwork (see page 1, lines 9-13) comprising a body having two integrally formed handles (A), a planar sole (1) for contact with a workpiece, and a blade contact surface (2) for contact with a scraper blade (8) having two opposed ends each having a cutting edge for contact with a workpiece to remove material, one of the blade ends contacts the workpiece during use of the scraper; a clamp bar (9) having a second contact surface for contact with the blade (8); screws (10) for securing the clamp bar (9) to the body (see Fig.3); and an adjustment screw (11) for adjusting the camber of the blade (8) substantially as claimed except the blade contact surface (2) lacks a recessed portion and an extending portion.

Fletcher shows a scraper comprising a blade contact surface (12a) that includes a recessed portion (12c), and at least a portion of a body (12) extends beyond (see Figs.1-2) one end (10a) of a blade (10).

It would have been obvious to one skilled in the art to modify Bodmer by providing the blade contact surface (2) with a recessed portion and having at least a portion of the body extending beyond the other end of the blade (8) which is not in use to protect a user from injury on the other end of the blade (8) and to protect the other end of the blade (8) from damage by the blade contact surface (2) as taught by Fletcher.

3. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodmer (U.S. Patent No. 1,098,706) and Fletcher (U.S. Patent No. 4,027,388) as applied to claim 2 above, and further in view of Polhemus (U.S. Patent No. 368,003).

Bodmer's woodworking scraper as modified above shows all the claimed structure except the clamp (9) lacks a chamfer.

Polhemus shows a spokeshave comprising a blade clamp (K) having a chamfer (k).

It would have been obvious to one skilled in the art to further modify Bodmer by providing the blade clamp (9) with a chamfer to permit shavings to exit the region of the blade as taught by Polhemus.

4. Claim 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodmer (U.S. Patent No. 1,098,706) in view of Polhemus (U.S. Patent No. 368,003).

Bodmer discloses a scraper for woodwork (see page 1, lines 9-13) comprising a body (1,2,A); a scraper blade (8) comprising two opposed ends, each end having a cutting edge for contact with a workpiece to remove material, one of the blade ends contacts the workpiece during use of the scraper; a clamp bar (9) for securing the blade (8) to the body (1,2,A); and screws (10) for securing the clamp bar (9) to the body (see Fig.3) substantially as claimed except the clamp bar (9) lacks a chamfer.

Polhemus shows a spokeshave comprising a blade clamp (K) having a chamfer (k).

It would have been obvious to one skilled in the art to modify Bodmer by providing the blade clamp (9) with a chamfer to permit shavings to exit the region of the blade as taught by Polhemus.

5. Claim 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bodmer (U.S. Patent No. 1,098,706) and Polhemus (U.S. Patent No. 368,003) as applied to claim 9 above, and further in view of Fletcher (U.S. Patent No. 4,027,388).

Bodmer's woodworking scraper as modified above shows all the claimed structure except it lacks a recessed portion and an extending portion.

Fletcher shows a scraper comprising a blade contact surface (12a) that includes a recessed portion (12c), and at least a portion of a body (12) extends beyond (see Figs.1-2) one end (10a) of a blade (10).

It would have been obvious to one skilled in the art to further modify Bodmer by providing the blade contact surface (2) with a recessed portion and having at least a portion of the body extending beyond the other end of the blade (8) which is not in use to protect a user from injury on the other end of the blade (8) and to protect the other end of the blade (8) from damage by the blade contact surface (2) as taught by Fletcher.

#### **Indication of Allowable Subject Matter**

Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for official communications and 571-273-4511 for proposed amendments.

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Art Unit: 3724

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H Payer  
May 19, 2005

1872 Payer

Hwai-Siu Payer  
Primary Examiner